

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRIAN BAHR,)	Civil Action
)	No. 13-cv-03632
Petitioner,)	
)	
v.)	
)	
)	
THE DISTRICT ATTORNEY OF		
THE COUNTY OF LEHIGH;		
THE ATTORNEY GENERAL OF THE)	
STATE OF PA;)	
JOHN E. WETZEL,)	
Secretary Pennsylvania)	
Department of Corrections; and)	
LAUREL HARRY,)	
Superintendent of the State)	
Correctional Institution at)	
Camp Hill,)	
)	
Respondents)	

O R D E R

NOW, this 30th day of September, 2014, upon
consideration of the following documents:

- (1) Petition for a Writ of Habeas Corpus, filed June 24, 2013;
- (2) [Amended] Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, which petition is dated September 12, 2013 and was filed on September 20, 2013;¹ and
- (3) Report and Recommendation of United States Magistrate Judge Lynne A. Sitariski dated December 19, 2013 and filed December 20, 2013;

¹ By my Order dated and filed August 21, 2014, I directed the Clerk of Court to furnish petitioner with a blank copy of this court's current standard form for filing a petition pursuant to 28 U.S.C. § 2254. The amended petition filed by Brian Bahr on September 20, 2013 complied with my Order.

it appearing that as of the date of this Order no objections have been filed to the Report and Recommendation of Magistrate Judge Sitarski; it further appearing after review of this matter that Magistrate Judge Sitarski's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Sitarski's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that the petition for habeas corpus relief is stayed and all proceedings are held in abeyance until conclusion of petitioner's state court proceedings and the final decision of the United States Court of Appeals for the Third Circuit in Songster v. Secretary Pennsylvania Department of Corrections, No. C.A. 12-3941, to resolve the question of the retroactive application of Miller v. Alabama, ___ U.S. ___, 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012).²

IT IS FURTHER ORDERED that the Clerk of Court shall place this matter in civil suspense until further Order of court.

IT IS FURTHER ORDERED that petitioner shall notify the court within 45 days following the conclusion of his state court

² By Order dated January 28, 2014 and subsequent to the issuance of Magistrate Judge Sitarski's Report and Recommendation in this case, Chief Judge Petrese B. Tucker of the United States District Court for the Eastern District of Pennsylvania placed in civil suspense all habeas corpus petitions raising the issue of a petitioner's right to retroactive application of the holding in Miller, supra.

proceedings. Failure to do so may result in dismissal of the
within petition.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge